

## House Bill 895 (COMMITTEE SUBSTITUTE)

By: Representatives Yates of the 73<sup>rd</sup>, Lunsford of the 110<sup>th</sup>, Knight of the 126<sup>th</sup>, and Powell of the 29<sup>th</sup>

## A BILL TO BE ENTITLED

## AN ACT

To amend Code Section 47-17-1, relating to definitions relative to the Peace Officers' Annuity and Benefit Fund, so as to provide that certain law enforcement officers who are currently members of the Peace Officers' Annuity and Benefit Fund who were transferred to the Department of Driver Services or the Department of Public Safety in certain positions shall be entitled to retain membership in the fund; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 47-17-1, relating to definitions relative to the Peace Officers' Annuity and Benefit Fund, is amended by striking in its entirety paragraph (5) and inserting in lieu thereof the following:

"(5) 'Peace officer' means:

(A) Any peace officer who is employed by this state or any municipality, county, or other political subdivision thereof who is required by the terms of such peace officer's employment, whether by election or appointment, to give such peace officer's full time to the preservation of public order, the protection of life and property, or the detection of crime in this state or any municipality, county, or other political subdivision thereof and who is required by the terms of such peace officer's employment to comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35, provided that, for the purposes of this chapter, any deputy sheriff employed as such by a sheriff of this state shall be deemed to be employed by the county in which such sheriff serves;

(B) Any warden or correction officer of state or county correctional institutions and any warden or correction officer of municipal correctional institutions of a municipality having a population of 70,000 or more according to the United States decennial census

1 of 1970 or any future such census who is required by the terms of his or her  
2 employment as such warden or correction officer to give his or her full time to his or  
3 her job as such warden or correction officer; and any warden or correction officer of a  
4 municipal correctional institution who on or before October 1, 1962, ~~pays~~ paid dues for  
5 prior service shall be deemed to have been a member for such periods and shall be  
6 entitled to all the rights and benefits to which other members during such periods are  
7 entitled, provided that any such warden or correction officer as provided in this  
8 subparagraph is required by the terms of his or her employment to comply with the  
9 requirements of the 'Georgia Peace Officer Standards and Training Act' contained in  
10 Chapter 8 of Title 35;

11 (C) All employees of the Peace Officers' Annuity and Benefit Fund who are required  
12 by the terms of their employment to devote their full time to such job; and any such  
13 full-time employee who on or before October 1, 1962, paid dues for prior service shall  
14 be deemed to have been a member for such periods and shall be entitled to all the rights  
15 and benefits to which other members are entitled;

16 (D) Any parole officers who are required by the terms of their employment to devote  
17 full time to their job;

18 (E) Any law enforcement employee of the Alcohol and Tobacco Tax Unit of the  
19 Department of Revenue who is required by the terms of his or her employment to  
20 devote his or her full time to his or her job as a law enforcer, and any supervisor of such  
21 employees who, himself or herself, is assigned to the Alcohol and Tobacco Tax Unit  
22 and who is required by the terms of his or her employment to have arrest powers and  
23 to enforce the alcohol and tobacco tax laws;

24 (F) Any person employed by the Department of Transportation who is designated by  
25 the commissioner of transportation as an enforcement officer pursuant to Code Section  
26 32-6-29, provided that such enforcement officers shall be entitled to creditable service  
27 toward retirement only for membership service rendered after April 5, 1978, and only  
28 for membership service which is rendered in such capacity prior to July 1, 2001;

29 (G) Any full-time identification technician or identification supervisor employed by  
30 this state, or any subdivision or municipality thereof, whose duties include the  
31 investigation and detection of crime or whose duties are supervisory over those  
32 identification technicians whose duties include the investigation and detection of crime  
33 in this state, and who ~~has~~ had been considered a member of the Peace Officers' Annuity  
34 and Benefit Fund, and paid dues thereto, at any time on or before July 1, 1981; and such  
35 identification technicians and identification supervisors shall be deemed to have been

members for such prior period of service that dues were paid and shall be entitled to all rights and benefits to which other members are entitled;

(H) Reserved;

(I) Persons in the categories listed below who are required, as a condition necessary to carry out their duties, to be certified as peace officers pursuant to the provisions of Chapter 8 of Title 35, known as the 'Georgia Peace Officer Standards and Training Act':

(i) Persons employed by the Department of Juvenile Justice who have been designated by the commissioner of juvenile justice to investigate and apprehend delinquent and unruly children who have escaped from an institution or facility or have broken their conditions of supervision; any employee of the Department of Juvenile Justice whose full-time duties include the preservation of public order, the protection of life and property, the detection of crime, or the supervision of delinquent and unruly children in its institutions, facilities, or programs, or who is a line supervisor of any such employee, provided that the powers of a peace officer have been conferred upon such person pursuant to Chapter 4A of Title 49;

(ii) Narcotics agents retained by the director of the Georgia Bureau of Investigation pursuant to the provisions of Code Section 35-3-9;

(iii) Investigators employed by the Secretary of State as securities investigators pursuant to the provisions of Code Section 10-5-10;

(iv) Investigators employed by the Secretary of State as investigators for the professional licensing boards pursuant to the provisions of Code Section 43-1-5; ~~and~~

~~(v) Persons employed by the Department of Motor Vehicle Safety to whom the commissioner of motor vehicle safety has delegated law enforcement powers~~  
Department of Driver Services as nonuniformed investigators pursuant to subsection (e) of Code Section 40-16-4 who were transferred to such position from the Department of Motor Vehicle Safety and who were, on June 30, 2006, members of the fund pursuant to Code Section 47-17-41; provided, however, that no such person shall be entitled to obtain any prior creditable service other than actual membership service; and

(vi) Persons employed by the Motor Carrier Compliance Division of the Department of Public Safety as law enforcement officers who were transferred to such position from the Department of Motor Vehicle Safety and who were, on June 30, 2006, members of the fund pursuant to Code Section 47-17-41; provided, however, that no such person shall be entitled to obtain any prior creditable service other than actual membership service;

1 (J) Any person who was a member of the fund pursuant to the definitions contained in  
2 subparagraphs (A) through (I) of this paragraph and who is subsequently promoted to  
3 a position of similar duties but broader supervisory duties, if such person's new position  
4 requires him or her to comply with the standards contained in Chapter 8 of Title 35, the  
5 'Georgia Peace Officer Standards and Training Act,' and such person retains his or her  
6 powers of arrest; and

7 (K) Any employee of the Department of Corrections whose full-time duties include the  
8 preservation of public order, the protection of life and property, the detection of crime,  
9 or the supervision of inmates and detainees or who is a line supervisor of any such  
10 employee, provided that all such persons are required to comply with the requirements  
11 of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' in  
12 order to hold their positions and in addition have been conferred with the powers of a  
13 police officer pursuant to Code Section 42-5-35."

### 14 **SECTION 3.**

15 This Act shall become effective on July 1, 2006, only if it is determined to have been  
16 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
17 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
18 become effective and shall be automatically repealed in its entirety on July 1, 2006, as  
19 required by subsection (a) of Code Section 47-20-50.

### 20 **SECTION 4.**

21 All laws and parts of laws in conflict with this Act are repealed.